

Minutes of Land Use, Parks and Environment Committee
Tuesday, March 17, 2009

Chair Fritz Ruf called the meeting to order at 8:34 a.m. and led the Committee in the Pledge of Allegiance.

Committee Present: Supervisors Fritz Ruf (Chair), James Jeskewitz, Walter Kolb, and Rob Hutton.
Absent: Supervisors Ted Rolfs, Janel Brandtjen and Gilbert Yerke

Also Present: Chief of Staff Mark Mader, Planning and Zoning Manager Dick Mace, Land Conservation Specialist Alan Barrows, Senior Civil Engineer Leif Hauge, Fay Amerson of the Little Muskego Lake District and Land Resources Manager Perry Lindquist.

Discuss and Consider Ordinance 163-O-099: Amend The District Zoning Map Of The Town Of Mukwonago Zoning Ordinance By Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 20, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin, From The A-1 Agricultural District To The R-H Rural Home District (ZT-1684)

Mace described the location of the property proposed for rezoning on CTH NN in the Town of Mukwonago. Currently there is one residence on a 7-acre parcel and a cell tower on a 24-acre parcel. The request is for the creation of four residential lots, each 5-acres or larger. Most significant is that there is a combined driveway that serves both the house and the cell tower. It is unknown at this time whether that access will remain shared. A new access could be allowed as long as it meets the requirements and is considered safe after a field inspection by the Department of Public Works. Mace stated that staff recommends approval, in that the proposed development and division is consistent with the provisions of the Town's Plan and the Waukesha County Development Plan.

MOTION: Jeskewitz moved, second by Kolb, to approve Ordinance 163-O-099. Motion carried: 4-0.

Discuss and Consider Ordinance 163-O-100: Amend The Text Of The Town Of Eagle Zoning Code To Repeal And Recreate Section 3.02(1) Relating To Only One Principal Residential Building On A Lot (ZT-1685)

Mace explained the text change to the Town of Eagle Zoning code to allow the construction of a new house on a lot on which there is an existing house, so that the owner of parcel can continue to live there while the new residence is built. The old house would be removed once the new home is ready for occupancy.

MOTION: Hutton moved, second by Jeskewitz, to approve Ordinance 163-O-100. Motion carried: 4-0.

Discuss and Consider Ordinance 163-O-101: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Summit And The Town Of Summit Zoning Ordinance By Conditionally Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 22, T7N, R17E, Town Of Summit, Waukesha County, Wisconsin, From The R-3 Residential And C-1 Conservancy Districts (County) And The MF-2 Multi-Family Residential District With A Planned Development Overlay District (Town) To The B-2 Local Business District With Other Lands To Remain Zoned C-1 Conservancy District (County) And The NC Neighborhood Commercial District With A Planned Development Overlay District (Town) (SZT-1586C)

Mace explained the location of the property in the Town of Summit, consisting of approximately 4.2 acres. Mace stated there are some wetlands involved, for a total area of about 6 acres. There is a nursing home/assisted living facility under construction on the site. Under the original project plan, six to eight condominiums were also to be built. The new proposed land use is for office usage in two proposed buildings. Mace pointed out the number of conditions that the Town has imposed on the

project, as outlined in the ordinance. He said that staff is recommending in favor of this ordinance. The residents are in favor of the office usage, as well as the Town and the owner of the property.

Hauge questioned whether the stormwater facilities collective ownership agreement would extend to the proposed developments. Mace stated that a provision of the Town code is referenced in the ordinance regarding storm water drainage having to be in conformance. Mace stated there is no reason to believe it would not be consistent with the rest of the project. Hauge stated the County Land Resources Division (as part of the County's stormwater ordinance) still has an open permit on that property. It has since been superseded by the Town's ordinance, but existing permits are followed up on until they are closed. Ruf asked whether there would be follow-up on this issue with the municipality. Hauge said yes, he believes so. Mace stated that up to this point he is not aware of any violation of the existing stormwater ordinance on that site. The Town's stormwater ordinance must be as restrictive as or more restrictive than that of the County. Mace was confident that the Town would continue to enforce the provisions of their ordinance. Jeskewitz suggested following up with a phone call just to let them know the County is aware of the situation. Hauge agreed to do so.

MOTION: Kolb moved, second by Jeskewitz, to approve Ordinance 163-O-101. Motion carried: 4-0.

Approve Minutes of February 17, 2009

MOTION: Jeskewitz moved, Kolb second, to approve the minutes of February 17, 2009. Motion carried: 4-0.

Correspondence

- Letter from Ken Yunker, Executive Director of SEWRPC, to Supervisor Kathleen Cummings regarding 2035 projected water use.

Executive Committee Report

Ruf discussed the items discussed at the 3-16-09 Executive Committee meeting.

- Appointment of new library board member
- Discussion of NACo Legislative Conference in Washington DC
- Ordinance regarding Comprehensive Planning Facilitator Services for the City of Waukesha
- Resolution regarding CDBG; a revised fiscal note was requested
- Discussion of the 2009 legislative package distributed by DaveKrahn
- Numerous items of correspondence, most notably a letter from the Hartland Village President to Jim Dwyer regarding CTH KE alignment/Waukesha County Comprehensive Plan and letters from Brad Schimel in response to requests for investigation against former Register of Deeds Michael Hasslinger.
- Approved attendance of Pat Haukohl at the WCA's Emerging Issues in Wind and Renewable Energy on March 30, 2009, in Stevens Point.

Future Meeting Date

- March 26, 2009

Discuss and Consider Order 163-ORDER-001: Order To Attach Territory To The Little Muskego Lake Protection And Rehabilitation District

Lindquist explained the Order for the attachment of territory to the Little Muskego Lake Protection and Rehabilitation District. He reviewed the four points relating to State statutory requirements, which have been fulfilled:

- The signature of the Little Muskego Lake District Chairman

- The proposed territory attachment to the district is necessary
- The public health, comfort, convenience, necessity or public welfare will be promoted by attachment of this territory to the district
- The property to be included in the district will be benefited by being in the district

MOTION: Kolb moved, second by Jeskewitz, to approve Order 163-Order-001. Motion carried: 4-0.

Presentation of County MS4 Storm Water Permit Overview

Mader explained that this presentation is being done to fulfill a procedural requirement set by the State for the MS4 Storm Water Permit.

Lindquist explained that Waukesha County is a Phase II community under Wisconsin's MS4 permitting program. The permit is intended to reduce water pollution from storm water runoff from urbanized areas. The permit is administered by the Department of Natural Resources under Chapter NR 216 Wisconsin Administrative Code. Lindquist continued with a PowerPoint presentation outlining the numerous requirements for the MS4 Stormwater Permit. He discussed some of the Best Management Practices (BMPs) being implemented by Waukesha County including vegetative swales, rain gardens/ bio-retention, green roofs, and pervious pavement. He suggested possibilities for a demonstration site in the County's courtyard area, which could include examples of a green roof and pervious pavement. In conclusion, he stated he and his staff are still very involved in the permit process, and they are still waiting for DNR approval on their submittal.

MOTION: Jeskewitz moved, second by Kolb, to adjourn at 9:38 a.m. Motion carried: 4-0.

Respectfully submitted,

Jim Jeskewitz
Secretary